

e-Court List of Principles with Points for Discussion

1. **Court users should be presented with a common look and feel no matter the jurisdiction. No litigant will be required to operate multiple systems to file into various courts in the state.**
 - “Look and feel” refers to the uniformity of the underlying process and practices for filing, not so much to the “on-screen” experience for filers. Process steps will be common no matter what jurisdiction filing occurs in or what vendor is used for filing.
 - Judicial officers will review filings using the court system, not a system outside the court. Everyone who looks at a document using the court system ought to do so in the same way, regardless of jurisdiction. Input to the court system must result in a unique, readable document subject to clerk review.
 - Access to justice, including electronic access to court public records and ability to file for free or very minimal cost, must not be denied. Bar members may be required to e-file. The court system may provide a very basic interface for the public across all jurisdictions, be it graphical or data driven, with a consistent look and feel. The court will not compete with any qualified vendors.
 - Though manual filing will not be entirely eliminated, the cost structure should be such that automated filing is incentivized.
 - **COT Talking Points:** At what level does “common look and feel” apply? It needs to look the same at the end of the process. User implications: the way you file or access data on your system should be the same as on other courts’ systems. At the front end, lawyers filing in Maricopa, Cochise, or Pima may do so using different vendors who provide them varying features, but the back end of the process at the courts must be the same. Sausage maker analogy – lots of different components go in, but only one homogenous product comes out.
 - **Related COT Decision Points:**
2. **Courts are too resource constrained to provide technical support themselves for filing attorneys and the public.**
 - If the court operates a “free” public access filing system, no expectation of technical support will be provided for home users and limited technical support will be provided for users of terminals that reside in the clerk’s office. The court will not venture into the extended services best provided by an e-filing vendor for customers/subscribers; the court’s system would exist only to serve public filers seeking only basic electronic filing ability.
 - **COT Talking Points:** Manual filing will not be prohibited. The court’s lack of resources/support will likely encourage sophisticated users to seek outside vendors. Self-service centers will exist, but the court will not provide 24/7 support. Likely, the level of support provided today will just shift in emphasis

from paper to electronic filing. Counter and imaging resources could be freed as the number of electronic filings increases.

- Related COT Decision Points:

3. For automated filing, only one interface will exist per case management system. Data must be exchanged bi-directionally between case management and e-filing systems.

- Three standard case management systems are being constructed: limited jurisdiction, general jurisdiction, and appellate courts in addition to several specialty and legacy applications. Data transmitted to and from the court must be consistent from court to court or jurisdiction to jurisdiction. Vendors will undergo “qualification” to ensure the data they deliver is usable by each case management system. Case data entered into a lower court system must be usable by a higher court system.

- Related COT Decision Points:

4. The path to success involves general consistency with national standards and cooperation between courts and private sector ventures.

- Other states’ experience has proven this over the past 10 years as the direction for new adoption has changed from the single-vendor to multiple-vendor norm. Standards like LegalXML and OXCI (the open court XML interface) continue to solidify, vastly improving the interoperability of more proprietary e-filing systems.

- Related COT Decision Points:

5. Courts should create a competitive multi-vendor environment wherein any vendor who meets the certification criteria will be able to file. No contract will guarantee e-filing business to a single vendor exclusive of any others.

- Unlike the paper world with its “runners,” the nature of electronic filing makes it geographically unbound – a Nogales provider could service Navajo Superior Court using the Internet.
- Other states and courts entered the e-filing business earlier in its maturity cycle when a single-vendor model represented the only path to success. This approach put the courts in the uncomfortable vendor regulation and rate-setting business. As e-filing technology matures, solutions become less proprietary and more interoperable. Arizona’s focus is on the future rather than the past.
- As with other technologies in flux, the largest vendors promise to transition customers from their proprietary solution to an open one sometime in the future, but what is their incentive to change and who will finance the transition? History has proven that a vendor who owns sufficient market share becomes a de facto standard and can even hold back widespread adoption of open solutions.

- COT Talking Points: Does competition have to exist everywhere? Speed could be gained using a single-vendor model short-term, but by writing the RFP to require an open system that another vendor could take over at end of the term, we'd get the ability to transition to a multiple-vendor model later in the process. This could save courts money if the vendor pays the cost of initial development and makes it back on a per-filing basis.
 - Related COT Decision Points:
- 6. Privacy and access issues must be adequately addressed.**
- A tension exists between increased electronic access to court documents and the privacy rights of parties to cases. These issues are decided by court policy, like Rule 123, independent of this subcommittee; but solutions will be evaluated on their degree of access and attention to privacy considerations.
- 7. While the conceptual model for e-filing includes criminal cases, the courts, not vendors, are responsible for criminal justice integration activities.**
- By statute, Executive and Judicial Branch agencies own the process of criminal case filing and are already pursuing case data integration. This work is considered out of scope for civil filing vendors and alleviates their need to construct a pricing model that subsidizes criminal case processing. The court's electronic filing system must provide a nearly seamless interface for output of prosecutors' and defenders' specialized case management systems.
 - COT Talking Points: This is somewhat related to Item 5. A vendor could be told to create and manage a criminal filing system, but that would not be their choice because the revenue is not there – would have to subsidize using civil filing fees. The Legislature is more likely to devote dollars to criminal filing over civil. The system should be accessible to outside vendors with appropriate security, but not operated by an outside vendor.
 - Related COT Decision Points: